

Introduced by Senator Yee

February 24, 2009

An act to add Section 13211.7 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 288, as amended, Yee. Elections: names of candidates.

Existing law requires *the* translation of ballots and ballot materials into languages other than English when specified circumstances exist.

This bill would require that, *if a county provides a translation of the candidates' English names into a character-based language, such as Chinese, Japanese, or Korean*, phonetic translations of the English names of candidates be provided ~~whenever the ballot materials are required to be translated.~~ *This The bill would also require that a county that provides translations of candidates' names establish a process by which a candidate may appeal the phonetic translation of his or her English name.*

This bill would provide an exception to candidates for a candidate who ~~have~~ has a non-English ~~names~~ name by birth or ~~have~~ has verifiably been known by a non-English name for at least 2 years; to permit him or her to use that name on the ballot instead of a phonetic translation.

This bill would require that, if a county provides separate ballots containing translations of the candidates' names in different languages, both the English names and the translations of the candidates' names appear on each ballot.

Because the bill would impose additional duties on local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13211.7 is added to the Elections Code,
2 to read:
3 13211.7. (a) (1) In jurisdictions that are required to provide
4 a translation of ballot materials into a language other than English
5 pursuant to Section 9054 or 13209 of this code, or Section 203 (42
6 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.
7 1973b(f)(4)) of the federal Voting Rights Act of 1965, the ballots
8 that provide a translation of the candidate's name shall contain a
9 phonetic translation of the a candidate's English name.
10 (2) This section applies only to character-based languages,
11 including Mandarin Chinese, Cantonese, Japanese, and Korean.
12 (3) A county that provides translations of candidates' names
13 on the ballot shall establish a process by which a candidate may
14 appeal the translation of the name assigned to him or her for use
15 on the ballot.
16 (4) In a county in which separate ballots containing translations
17 of the candidates' names are printed in different languages, both
18 the English names and the translations of the candidates' names,
19 for candidates that have translated names, shall appear on each
20 ballot.
21 (b) Notwithstanding subdivision (a), if a candidate has a
22 non-English name by birth, ~~that~~ which can be verified by birth
23 certificate or other valid identification, he or she ~~shall be permitted~~
24 ~~to~~ may use that name on the ballot instead of a phonetic translation.
25 A candidate who does not have a non-English name by birth, but
26 who identifies by a particular non-English name and can
27 demonstrate to elections officials that he or she has been known
28 and identified within the public sphere ~~with~~ by that name over the

1 past two years, ~~shall be permitted to~~ *may* use that name instead of
2 a phonetic translation.

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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